

THE GRANVILLE DISTRICT

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CONTENTS

INTRODUCTION.

LOCATION—BOUNDARIES—SURVEYS.

GRANVILLE'S SYSTEM—LAND AGENTS.

QUIT RENTS AND THEIR COLLECTION.

ABUSES BY GRANVILLE'S AGENTS.

RIOTS AND DISTURBANCES.

IMMIGRATION INTO DISTRICT.

ENCROACHMENTS AND CONFLICTING CLAIMS.

DISADVANTAGES OF GRANVILLE'S DISTRICT TO THE COLONY.

PURCHASE BY THE CROWN ADVOCATED.

DISTRICT CONFISCATED BY STATE.—ATTEMPTS AT REGAIN-
ING IT.

THE GRANVILLE DISTRICT*

In 1663, King Charles II of England granted to eight of his noblemen a large district of land, embracing most of what is now the southern half of the United States. Like most other grants in those days, it extended westward to the vague and unknown "South Seas." The government set up by the Lords Proprietors, as the noblemen were denominated, affected only the Atlantic Seaboard of the present states of North and South Carolina. The form of government they attempted to administer was a grotesque figment of John Locke's imagination. "Locke's Grand Model," as the instrument was called, failed utterly, and so was soon abandoned. A more popular form of government was substituted, but the princely domain from which the Lords Proprietors had hoped to make their fortune proved, nevertheless, a source of endless trouble and vexation to them. It was no less disturbing to the colonists. So, in 1728, the Lords Proprietors, with one exception, sold out their proprietary to the King. The price paid was 2,500 pounds¹ to each of the seven proprietors selling, with a lump sum of 5,000 pounds for all arrears of quit-rents and other rents.² The people of the colony received the news of the sale with unbounded joy, as ushering in a day of deliverance from all their evils.

THE DISTRICT GRANTED

The nobleman who continued to hold his interest in the proprietary was John Lord Carteret, soon afterwards made Earl of Granville. He petitioned the King to be allowed to retain his one-eighth interest in Carolina, as the territory had been named. King George, upon the advice of the Board of Trade and Privy Council, decided that Lord Carteret should be allowed to retain one-eighth of the whole district formerly granted

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¹At this time the English pound was worth \$1.66.

²C. R. Vol. III—37-38.

to the Lords Proprietors. But in so retaining his one-eighth part he was to surrender to the King his claim to the other seven-eighths, and also give up all power of government over the whole proprietary of Carolina. He was to hold his one-eighth share as a feudal seignior of the Crown,—possessing only property rights in the colony, and was relieved of the expense and trouble of governing it. In surrendering the government of it, he relinquished all powers, in the comprehensive language of the grant, “of making laws, calling or holding of assemblies, erecting courts of justice, appointing judges, or justices, pardoning criminals, creating or granting titles of honor, making ports or havens, taking customs on goods laden or unladen, making and erecting counties, forts, castles and cities, or furnishing them with habiliments of war, incorporating cities, boroughs, towns, villages, raising, employing or directing the militia, making war or executing martial law, exercising any of the royal rights of a county palatine, executing any other prerogatives, pre-eminences, rights, jurisdictions, and authorities of, belonging or relating to, the administration of the government of the said one-eighth part of the said province.”³

Some of the old ideas of feudal land tenure were adhered to by the King in this grant. In order to impress upon Earl Granville the allegiance he owed to the King as the supreme landlord, George II included the following clause in the indenture: “ * * * yielding and paying to his said majesty’s heirs and successors the annual rent of one pound, thirteen shillings, and four pence, payable at the Feast of all Saints forever: and also one-fourth part of all gold and silver ore that shall be found within the said one-eighth part of the said premises * * * .”⁴ This practice of exacting a nominal rent had also been applied in the case of the proprietary government, the Lords Proprietors being required to pay one-fourth part of all gold and silver ore within the limits of their grant and the yearly rent of twenty marks.⁵

³C. R. Vol. IV—662-663.

⁴C. R. Vol. IV—663.

⁵State Records Vol. XI—80-101.

LOCATION—BOUNDARIES—SURVEYS

Although the seven Lords Proprietors sold their share of Carolina to the crown in 1728, there was no definite action taken with regards to Granville's one-eighth part until 1744, when the foregoing conditions were stipulated in the formal grant. Provision was made in this grant for the survey of Granville's share by ten commissioners—five, representing the King, to be appointed by the governors of North and South Carolina jointly or by the governor of North Carolina alone, in case of disagreement, and five to be appointed by Earl Granville.⁶ These commissioners were to decide where the one-eighth part should be laid off, and whether it should be a solid tract or be divided among the three colonies of North Carolina, South Carolina, and Georgia, the latter having also been erected within the proprietary's original boundaries. The commissioners appear to have been influenced by very few considerations for the King, Granville, or the people; for their sole object seems to have been to survey the land in the quickest and easiest way. So they naturally began where one line was pretty definitely established; namely, the boundary between North Carolina and Virginia. Their decision was to survey it all in one tract lying directly south of the Virginia line in the province of North Carolina. According to the report sent to the King, "They did immediately proceed to set out and allot to the said John Lord Carteret one full-eighth part of the province of Carolina in one entire separate district in the province of North Carolina next adjoining and contiguous to the province of Virginia * * * and so west as far as the bounds of the charter granted to the Lords Proprietors of Carolina by His Majesty King Charles II."⁷

The commissioners selected to run the southern boundary of the district began to survey the line in the winter of 1743-44, beginning on Hatteras Island at 35° 34' N. Latitude, which was to bound the district on the South. They were soon so obstructed by the swamps and morasses that they ran the line

⁶C. R. Vol. IV—659-660.

⁷C. R. Vol. IV—660.

only to the town of Bath. In the spring of 1746 the line was taken up at Bath and was carried westward to the Haw River, passing through the present towns of Snow Hill, Princeton, and Smithfield.⁸ Here the survey was stopped because of the country "being very thinly peopled, nor can we be supplied either with corn for the horses or provisions for ourselves and those employed by us, there being no inhabitants that can assist us to the west of Saxapahaw River."⁹ In the following October the boundary was pushed to Rocky River, which marked the end of the line up to 1766. The surveys and distances were as follows: From Hatteras Island to Bonner's Field (near Bath), 90 miles; thence to Haw River, 104 miles; continuing to Rocky River, 87 miles.¹⁰ The line was finally run to the Blue Ridge Mountains by Governor Martin in 1774.¹¹

This immense tract of land, at least sixty miles wide, lying between 36° 30' and 35° 34' N. Latitude, was bounded on the east by the Atlantic Ocean and on the west, according to the language of the grant, by the "South Seas." It embraced at least one-half of the province of North Carolina, the lower boundary line running along the southern borders of Chatham, Randolph, Davidson, and Rowan Counties, a little below Catawba County, and on westward.¹² This territory came to be known as the "Granville District" and proved to be a source of endless trouble and vexation to the inhabitants and a serious menace to the welfare of the whole province. Earl Granville referred in his titles to this district in the following way: "The sole Lord or Proprietor of a certain District, Territory or Parcel of land, lying next to the province of North Carolina in America." This tract owned by Earl Granville was the better part of the province. The land was much more fertile, it was the part first settled, and two-thirds of the people lived within its bounds.¹³

⁸C. R. Vol. VII—156-157.

⁹C. R. Vol. IV—X-XI.

¹⁰C. R. Vol. VII—156-157.

¹¹Ashe's History of North Carolina, 724 (map).

¹²C. R. Vol. V pp. LIV et seq.

¹³Williamson's History of North Carolina, p. 105.

GRANVILLE'S SYSTEM—LAND AGENTS

Earl Granville thus owned and controlled the better part of the province. In his power lay the welfare of the whole colony to a large extent. He, alone, determined the policy he would pursue concerning his possessions. He was a virtual ruler of the people of his district in those things that touched them closest, property rights. He indeed had no power of appointing governors, but the people cared very little who was governor as long as they were not disturbed in the possession of their lands. Earl Granville set up a territorial system of land tenure over which neither the crown nor the colony had any control. The assembly's authority was thus virtually nullified in the most prosperous part of the province in matters pertaining to land-holding and this district contained two-thirds of the people. The land was held by the tenants in fee simple, with a certain fixed quit-rent to be paid annually. A fee was charged for making entries of lands.

To administer his rents, and to look after his interests in general, Earl Granville appointed land agents, very often two, who worked conjointly, or the one alone, when the other should be out of the colony or should die. He also had a surveyor, deputy surveyors, entry takers, and many other inferior officers. He established a land office in Edenton, but appears never to have thought it worth while to establish one farther west as the district grew in population westward. His agents proved on the whole to be very dishonest and inefficient men. They were paid in such a way as to presumably increase their efficiency, for Earl Granville at least; but, in fact, the system led them into exacting exorbitant rents from the tenants. Up to 1752 the agents were paid 10 per cent. of all they should collect and 10 per cent. of all they should remit to Earl Granville. This led them into dishonest dealings both with the Earl and with the people. So, in order to lessen the abuses, the Earl changed their payment to 5 per cent. of all monies and produce received and 5 per cent. of all remitted, with a salary of 200 pounds sterling to each agent.¹⁴

¹⁴Williamson's History of North Carolina, 105-106.

QUIT RENTS AND THEIR COLLECTION

The collection of quit rents caused endless disturbances in the district. There was no system whatever. Rent laws were lacking or wholly inadequate. The agents were dishonest. According to a set of general instructions, issued by Earl Granville, his agents were to charge four shillings proclamation money, or three shillings sterling for every hundred acres let to tenants.¹⁵ In some cases, the products of the land were received in lieu of money. Tables of fees and rents, sent over by Earl Granville, were never made public by his agents. Records of grants and entries were carelessly kept. Frequent changes in agent added only to the confusion, as the books were always left in a very incomplete condition. One very serious drawback to the efficient handling of quit rents was the lack of a rent roll giving the names of all the tenants and the amounts of land held by each. Owing to the general confusion, many people moved into the district and took up lands without making entries for them. Numerous laws were passed directing the compilation of a rent roll. By these laws the people who had taken up lands without having made entries for them were allowed to retain their lands provided they registered their claims within twelve months.¹⁶ The question of providing an effectual rent roll was constantly discussed in the Assembly. To keep the rent rolls as complete as possible an act was passed by the Assembly in 1748 requiring all transferences of land, either by sale or will, to be registered in the Court House of the county in which the land lay, or in the land office at Edenton. One great hindrance to making a complete rent roll was Earl Granville's half-hearted co-operation and direct refusal, in some cases, to bear his part of the expense of compiling one.¹⁷

But the colony seems never to have got a satisfactory rent roll or rent laws; for in 1771, Governor Tryon was begging the Assembly to pass laws that would be as effective as the ones that Virginia had. But, significantly enough, the bills were killed in the Assembly through the opposition of the representatives

¹⁵C. R. Vol. VI—441-445.

¹⁶Martin's History of North Carolina, p. 52.

¹⁷C. R. Vol. V—415.

from the Granville district, "who apparently had no interest in the event."¹⁸ To facilitate the settlement of the province and to collect the back rents, Governor Martin, in 1773, recommended that a rent law be passed remitting all back rents beyond 1771, provided the tenants would register their lands.¹⁹ The reciprocal benefits were extended to the Granville District since it contained, in Governor Martin's opinion, the most valuable part of the province not yet granted. "Inhabitants of this country," he wrote to Lord Dartmouth, "look with greatest avidity toward the territory of Earl Granville, which comprehends almost, if not all, the valuable lands in this province at this day ungranted."²⁰

The failure to collect arrears of quit rents was a frequent subject of complaint by the governors. Governor Johnston, in 1750, was 12,000 pounds behind on his salary because Earl Granville received more than half of the quit rents of the province; and the quit rents due to the crown could not be collected.²¹ A stringent act was passed in 1754, applying to Granville's District also, which authorized the sheriff of the county to seize slaves, goods, or chattels, and sell them within five days for arrears of quit rents.²² In 1749, however, the payment of quit rents had been made easier by a provision making receivable inspectors notes for tobacco at one penny a pound, or for indigo at four shillings a pound, proclamation money.²³

ABUSES BY GRANVILLE'S AGENTS

The system Earl Granville set up worked without very much friction for the first decade. While this great private project was yet young the Earl showed considerable interest in it. But he was soon busied with the intrigues of home politics, leaving his immense estate in the hands of his agents to do with much as they liked. Being for the most part dishonest men, and unrestrained by any watchful authority, they soon began to exact excessive fees from the tenants, and to collect outrageous quit

¹⁸C. R. Vol. VIII—524.

¹⁹C. R. Vol. IX—671-672.

²⁰Ebd. Vol. IX—671-672.

²¹C. R. Vol. IV—1088.

²²State Records Vol. XXV—308.

²³State Reports Vol. XXIII—310.

rents. Their systematic pillage of the tenants became a great menace to the welfare of the province and made the existence of the Granville District the most dangerous and disturbing force in colonial North Carolina. Within a decade after Granville received his share of Carolina an investigating committee, appointed by the Assembly, reported the district a nuisance and a hindrance to the well-being of the colony.²⁴

The exactions of the agents became so flagrant and unbearable that, in 1758, numerous citizens of the district petitioned the Assembly to redress their grievances. As a result a joint Committee was appointed by the two houses of the Assembly with powers to summon persons and to produce papers.²⁵ The committee made a conservative report in which they said that no larger fees had been charged by the agent than Earl Granville's instructions called for. They most probably came to this conclusion, however, because, "they finding it worse for their interest to make up matters for Corbin against whom the greatest charge was laid, they changed sides for a valuable consideration and by the report of the committee, they had no redress."²⁶

But they discovered a host of irregularities that attest the resourcefulness of the agents. A very frequent practice was to grant the same tract of land to as many as three different persons, and charge a fee for each entry. The case of one Arthur Moore is produced, in which Moore entered a tract of land and paid the entry fee to the agent, Francis Corbin. Moore was to have it surveyed within twelve months and then return to get the deed. Having complied with the conditions, he returned for his deed. Upon investigation Corbin found that one Becton already possessed a deed for the land; so he refused to grant a deed to Moore and refused also to return the entry fee. In the meantime, Becton sued Moore in ejectment and, upon producing his deed, got judgment against him, and had him imprisoned two months until he could pay the costs of the suit. Moore had paid for surveying the lands three pounds

²⁴C. R. Vol. V pp. LIV et seq.

²⁵C. R. Vol. V—1015-1016.

²⁶C. R. Vol. VI—294.

nineteen shillings and ten pence, to the same surveyor who had previously surveyed it for Becton. In many cases an entry would be made under one agent but before the survey could be made and the deed obtained the agent would be succeeded by another, who would grant the land to some one else, charging, of course, an additional fee. Another case of abuse was produced, in which a man who wanted lands already taken up, bribed the sheriff to change the name in the entry book and issue a deed to him accordingly.²⁷ The agents used another particularly clever scheme to defraud the tenants. Many of the patents for land were signed merely "Granville, by his attorneys * * * ." The agents claimed these patents were defective and totally invalid, since the Earl's title of honor had been omitted. They claimed all patents must be signed "The Right Honorable Earl Granville, by his attorneys * * * ." In this way they played upon the ignorance of large numbers of tenants so as to frighten them into making new entries, for which, fees, sometimes double those prescribed, were charged.²⁸ The regular fee for making an entry was one pistole.²⁹ About four pounds were charged for using a certain kind of cipher, "Which without authority, they were pleased to affix to a warrant of survey."³⁰

The agents were equally as dishonest to Earl Granville as they were to the people. They kept back large amounts of fees beyond their prescribed per centum and salary. One agent upon going out of office, counselled his successor to remember the proverb of the new broom and not remit too much to the Earl for the first few years, as equal amounts would be expected in the future. And, furthermore, the former agent might be apprehended.³¹ The agents were banded together to defraud everyone in their way. Complaints of tenants became more frequent. The Assembly remonstrated with Granville, but to no effect, since it could pass no laws touching its agents. Complaints from both the Assembly and the tenants grew so

²⁷C. R. Vol. V—1088-1094.

²⁸Williamson's History of North Carolina, 106-107.

²⁹A pistole was equivalent to one English pound.

³⁰Williamson's History of N. C. 107.

³¹Ebid 108.

frequent that Earl Granville became interested enough to write to his agent, Francis Corbin, in 1756, as follows: "Great and frequent complaints are transmitted to me of those persons you employ to receive entries and make surveys in the back counties. It is their extortions and not the regular fees of office which is the cause of clamor from my tenants. Insinuations are made, too, as if those extortions were connived at by my agents; for otherwise, it is said they could not be committed so repeatedly or so barefacedly."³²

Thomas Child, Attorney General of the colony, and Francis Corbin, were joint agents for Earl Granville during a number of years. They carried on a most subtle system of thievery and corruption, both with the people and with Earl Granville. Child was the master mind in the affair. When he went to England to better carry out his system, he appointed Colonel Innes to the lucrative land agency for a valuable annual consideration. Child wormed himself into the close confidence and favor of the Earl and represented to him the dishonesty of his agents. Whereupon, Granville took all the fees and put his agents on a salary basis. Being betrayed in this way, Innes refused to pay his annual stipulation to Child, whereupon the latter adroitly stopped the remittances before they reached Granville and took what he wanted. With Earl Granville's permission Child now turned Colonel Innes out of office and promptly sold the agency to Wheatly, a naval officer, for 1000 pounds. Earl Granville about this time sent over a table of fees to be made public. Child advised Corbin not to publish the table and to charge the delinquency to Wheatly. This was done, and consequently Wheatly was dismissed. Child now had Bodly appointed "from whom he got about 2000 pounds and other presents of great value." Earl Granville at last instructed Child to call Corbin, his accomplice in North Carolina, to account. Child advised him secretly not to account. In this way strife would be stirred up between Granville and his agents and Child would consequently be sent over to adjust the difficulties. Just such dishonesty pervaded Earl Granville's entire system.³³

³²Williamson's History of North Carolina, 205.

³³C. R. Vol. VI—292-296.

RIOTS AND DISTURBANCES

When Francis Corbin did produce his table of fees the people readily accumulated a great amount of evidence of abuses by the agents—especially by one Haywood. Upon Haywood's refusal to return any of the illegal rents that had been exacted the ferment of the people increased. They had Haywood arrested and speedily brought to trial. During the trial he went home, where he suddenly died, and was secretly buried. When the prosecutors heard of this they believed it to be a false report inspired by Haywood. In their rage they went in a large body to his home, dug up the grave, and tore open the coffin. On finding the corpse they left satisfied.³⁴

The people were by this time in no pleasant mood. They could obtain no redress nor could they get back any of the illegal rents that had been taken from them. The fees in Earl Granville's estate were double and sometimes triple the fees paid in the crown lands. And to aggravate conditions further, Granville's agents refused to receive payments in anything except gold and silver.³⁵ Unable to bear the abuses any longer and despairing of obtaining a redress of their grievances, a body of men, some say twenty, gathered from Edgecombe and Granville counties in the early winter of 1759, armed and mounted, and rode to Corbin's house near Edenton. Although they reached his house in the dead of night, they forced him to accompany them immediately seventy or eighty miles to Enfield.³⁶ Here they held him for some days until he could give bond with eight sureties, by which under penalty of 8,000 pounds, he promised to produce his books within three weeks and return all the money above the regular fees.

A few months after this riot the magistrates of Halifax county failed to nominate a sheriff. The governor proceeded to appoint one of the most active of the rioters and, as a consequence, the Assembly was unable to prevail on the sheriff to carry out prosecutions against the rioters. Members of the Assembly accused Governor Dobbs of being in league with them.

³⁴C. R. VI—294-294.

³⁵C. R. Vol. V—645.

³⁶C. R. Vol. VI—295.

The governor stoutly denied it and brought the charge that the Assembly had been favorable toward them. For some time the district remained in turmoil and confusion. The Attorney-General of the colony, Robin Jones, refused to prosecute the rioters through fear. He had agreed with Francis Corbin, for a large consideration, to be his counsel against the rioters. When the rioters heard of this they threatened dire vengeance and destruction on Jones, and forbade him to plead in the General or County Courts, "and frightened him so that he always carried pocket pistols about him."³⁷ The rioters also threatened "to pull him by the nose and also to abuse the court."³⁸

The troubles became so serious that in May, 1759, the Assembly passed the following resolution: "This house has resolved that a reward of twenty-five pounds be paid out of the public treasury by a warrant from his Excellency the Governor, to each of the two persons who shall first make a full discovery on oath to the Chief Justice or Attorney-General, of the principal persons who have been concerned in the late riots, combinations and traitorous conspiracies, in that part of the province within the Right Honorable Earl Granville's Proprietary on the condition of any of the said offences. To which (they) desire your Honor's concurrence."³⁹ Attorney-General Jones demanded of the Governor that the rioters be punished. He affirmed that unless they were, there would be no safety or peace in the country. Francis Corbin now, instead of producing the books and remitting illegal fees, brought suit against four of the rioters, who upon refusing to give bail were thrown into prison at Enfield. The next day a large mob of people from the surrounding country broke open the jail and released the prisoners. These rioters came from the district included in the present counties of Halifax, Nash, and Wilson. After these disturbances Corbin took flight and ordered the prosecution stopped. He knew he had done wrong things he could not justify; and Child thought the fault would be laid at Earl Granville's land office.⁴⁰

The Assembly was bitter against the rioters and laid much of

³⁷C. R. 295.

³⁸C. R. Vol. VIII-IX.

³⁹C. R. Vol. VI—94.

⁴⁰C. R. Vol. VI—297.

the trouble at the door of the governor. In 1760 they passed a resolution: "That though the governor was addressed by the Assembly in June last to take necessary measures to suppress the several mobs and insurrections which for many months, in violation of all law, have with impunity assembled in great numbers in different counties, erected show jurisdictions, and restrained men of their liberty, broke open gaols, released malefactors, dug up the dead from the grave, and committed other acts of rapine and violence, no effectual steps have been taken to check the torrent of their licentious extravagances notwithstanding their having repeated those outrages."⁴¹ The Assembly charged the Governor with preferring rioters to the magistracy and militia over just and honorable men "whereby magistracy has fallen into disgrace, courts have lost their influence, and government its dignity, and life, liberty, and property is rendered precarious."⁴² This reign of lawlessness was never sternly repressed. Conditions remained more or less unsettled until the Revolution. A few years later the conditions in the province were characterized in this way:

"For some years past this province has been running into great disorder and confusion. There is nothing like the administration of justice among us. (On account of) a silly fellow, that headed a mob against the Earl of Granville, his land office is put into the commission of the peace."⁴³ The famous Regulator troubles were the outgrowth and culmination of the Enfield riots and Granville Country disturbances. "Halifax and Granville," said Herman Husband, the leader of the Regulators, "were deeply engaged in the same quarrel years before Orange."⁴⁴

IMMIGRATION INTO DISTRICT

As has been mentioned before, Earl Granville showed some real interest in his Carolina estate for the first decade of its existence. He attempted to develop it and make not only a fortune from it, but also to create a thriving class of tenants. He induced the best immigrants to settle in his district. Large

⁴¹C. R. Vol. VI—292.

⁴²C. R. Vol. VI—292.

⁴³C. R. Vol. VI—234.

⁴⁴Swain's War of the Regulation.

numbers of immigrants from Pennsylvania, Maryland, and Virginia settled the northern and western portions of his territory. The land was cheap and also easy to obtain at this time. In Pennsylvania land was so dear that very few immigrants could settle there; and in Virginia laws against religious liberty were very unattractive and objectionable. Many people from these colonies and also many from Ireland, coming by way of these colonies, finally settled in Granville's District.⁴⁵ Another very substantial and law-abiding people that came to Granville's District were the Moravians. Earl Granville, through his influence as Secretary of State of Great Britain, induced them to settle in his estate. Bishop Spangenberg bought for the Moravians in 1753 approximately 100,000 acres of land lying between the Dan and Yadkin Rivers,⁴⁶ now included in Forsyth County. The Moravians were to pay an annual rent to Earl Granville or his heirs.⁴⁷

ENCROACHMENTS AND CONFLICTING CLAIMS

Later grants were very much harder to obtain and in fact impossible after 1766, when the land office was closed through neglect. The people who came in, consequently, settled down wherever they pleased and paid quit rents and allegiance to no one.⁴⁸ It was just such conditions that led Richard Henderson to attempt to set up the colony of Transsylvania. This large tract of land consisted of more than 35,000,000 acres, lying beyond the Blue Ridge mountains, in what is now Tennessee and Kentucky. A large part of it was included in the Granville District. Henderson, however, asked Granville nothing; but leased the land from the Indians for 999 years. Large numbers of tenants from Granville's District east of the Blue Ridge, also many tenants of the Crown, were induced to settle there. The project threatened to seriously interfere with the prosperity of Granville's estate and with the whole colony. The settlers acknowledged no authority of Earl Granville or of the governor of North Carolina, and, of course, refused to enter

⁴⁵Williamson's History of North Carolina.

⁴⁶Martin's History of North Carolina, 57.

⁴⁷C. R. Vol. V—1146.

⁴⁸C. R. Vol. VIII—195.

their lands and pay quit rents.⁴⁹ Governor Martin in February, 1775, issued a proclamation against Henderson, forewarning the people to obstruct him in his attempts to form a colony. "This daring, unjust and unwarrantable proceeding," said Governor Martin, "is of most alarming and dangerous tendency to the people and welfare of this and the neighboring colony."⁵⁰ "Such a colony of freebooters," he believed, "cannot but be a most dangerous tendency to the public interest."⁵¹

Earl Granville was troubled not only by the encroachments of Richard Henderson but he came in conflict also with Henry McCulloh. In 1737 the King of England had granted to McCulloh 1,200,000 acres of land in the province of North Carolina with the proviso that he should settle one person to every 200 acres within the following ten years.⁵² As this grant was made prior to the laying off of Granville's share, much land comprehended in it was afterwards included in Granville's grant. At least 475,000 acres fell within Granville's share. These overlapping boundaries caused endless trouble. McCulloh was continually complaining that Granville's land agents intimidated his tenants and collected rents from them.⁵³ He also charged the agents with granting his lands to tenants and keeping the fees. These disturbances, retarding the development of the district, continued until 1755, when Granville and McCulloh came to an agreement. Granville promised to surrender all rights and privileges he held from the King respecting the territory in question; and he authorized his agents to abide by the agreement.⁵⁴ In return McCulloh was to pay annually to Granville, from 1757 to 1760, the sum of 400 pounds in lieu of quit rents. McCulloh agreed to pay after 1760 the regular rate of quit rents: namely, four shillings proclamation money or three shillings sterling, for every 100 acres. He was also required to register in Earl Granville's land office, within twelve months, all grants of land made in this territory. The foregoing agreement was to hold provided he should give up to Granville all

⁴⁹C. R. Vol. X—246.

⁵⁰C. R. Vol. IX—1123-1124.

⁵¹C. R. Vol. X—273.

⁵²C. R. Vol. IX—104, Vol. V—569-573.

⁵³C. R. Vol. IX—104.

⁵⁴C. R. Vol. V—78-79.

lands after a fixed time, which had not an average of one settler to the 200 acres.⁵⁵ This agreement did not end the troubles, for some years later McCulloh brought suit against Francis Corbin, Granville's land agent, for 8,000 pounds which amount he claimed equalled the rents illegally collected by Corbin. He claimed Corbin had "with wicked and avaricious intentions" intimidated persons settled on the McCulloh tract and had also admitted entries and passed grants of this territory.⁵⁶

Earl Granville also came in contact with the remnants of the Tuscarora and Meherrin Indians occupying 10,000 acres⁵⁷ of his district, on the east bank of the Roanoke River. No quit rents, of course, could be collected from them. But, in 1767, one hundred and fifty of them were removed "to the Six Nations on the Susquehanna River, leaving a remnant of 104 men, women, and children occupying about one-half the tract allotted to them in 1748 by the Assembly."⁵⁸ The land left vacant by them was now open to settlement; and quit rents might now be collected from the tenants who moved in.

DISADVANTAGES OF GRANVILLE'S DISTRICT TO THE COLONY

As stated before, the Granville District proved to be a great burden to the people of North Carolina. This came about in many ways. The granting of this district set up within the province an outside authority which, in most things, could not be controlled by the Assembly of the colony. On account of defective surveys, and many times because of no surveys at all, boundary disputes were constantly arising between Granville's agents and the governor and his agents. In 1760 Francis Corbin wrote Granville charging Governor Dobbs with granting lands belonging to Earl Granville. The Earl immediately demanded of Dobbs that he cancel the grants. The governor claimed he had granted no lands belonging to Granville and at once dismissed Corbin from the Assistant Judgeship and from his position as Colonel of the Chowan Regiment. Upon investigation it was found that both were guilty of making grants of

⁵⁵C. R. Vol. V—624-626.

⁵⁶C. R. Vol. V—780.

⁵⁷C. R. Vol. VI—616.

⁵⁸C. R. Vol. VII—431.

land belonging to the other.⁵⁹ A few years later Governor Dobbs claimed that Earl Granville had encroached upon the King's land at least nine miles by running the boundary line in Latitude $35^{\circ} 26'$ instead of $35^{\circ} 34'$.⁶⁰ Just such disputes and disturbances had of necessity to arise, because of the mere existence of the separate tract of land. Such uncertainties of boundary lines led naturally to unsettled conditions. Many people came in and settled down without taking out grants, as they did not know in whose part they might fall. Others who took out grants refused to pay rents either to the Crown or to the Earl, as both claimed the territory. Such conditions made impossible the development of a law-abiding population.

Certain boundary troubles also existed with Virginia along the western borders of the district. The settlement of the land near the boundary was greatly retarded, as the people did not know whether they would fall within North Carolina or Virginia.⁶¹ But in 1749, the boundary was surveyed to the mountains, "where they (surveyors) crossed a large branch of the Mississippi which runs between the edges of the mountains and of which nobody ever dreamed."⁶² All these boundary disputes, troubles, and disturbances, incident to Granville's retention of an eighth of the old proprietary grant were evils from which the other colonies were largely free.

The presence of this district had a serious effect on the financial conditions of the provincial government. A large part of the colonial revenues came from quit rents. At least two-thirds of the quit-rents of this province went direct to Earl Granville, who spent nothing toward governing the colony. One paltry third of the quit rents thus went to the government of North Carolina. Hence one-third of the people, those living within the lower and poorer half, paid the greater part of the costs of maintaining the provincial government. It is no wonder that we find the governor complaining that the colony has no money, that he is 12,000 pounds behind on his salary and that the quit rents due the crown cannot be collected.⁶³ It was,

⁵⁹C. R. Vol. VI—298-300.

⁶⁰C. R. Vol. IX—1243-1244.

⁶¹C. R. Vol. IV—1047.

⁶²C. R. Vol. IV—1047.

⁶³C. R. Vol. IV—1088.

no doubt, discouraging to the people living on the crown lands, to pay their rents to the provincial government, and see the fees and rents from the fertile northern section go into the coffers of Earl Granville or be absorbed by his dishonest agents. This dual system divided the interests of the colony. The province did not exist as a unit. The northern inhabitants did not have the same attitude toward the governors that the southern inhabitants had. They paid their rents direct to Granville's agents, and were thereby removed from the most frequent causes of disputes with the governors and their agents. The governor could require of them nothing in which they would have the least interest or motive in opposing him. Consequently we never find the northern inhabitants, until the Regulator troubles, arrayed against the governor. Their great troubles lay with Granville's agents. If we are to believe the charges made by the Assembly directly after the Enfield riots, the governor was especially friendly to the northern inhabitants and preferred them in office. The inhabitants of the Granville District occupied a rather anomalous position. In writing to the home government in 1773 Governor Martin complains of the Granville District, that it creates and widens a division in the state and that it had a disastrous effect on politics.⁶⁴

John Lord Carteret died in 1763 and was succeeded in his title of Earl of Granville by his eldest son, who showed no interest whatever in the district he inherited in North Carolina. His utter neglect added to the disastrous effects his district was already producing. He allowed his land office to remain closed for many years. It was extremely difficult to get a hearing from him on the most important matters.⁶⁵ Large numbers of people desired to settle in his district, but they were unable to get grants of land. The best and most substantial of them turned away for other colonies; while the shiftless and vicious, who had no permanent interests anywhere, came in and took up lands wherever they desired. When there was any possibility of trouble or disturbance of any kind, they were generally found in the forefront, as they had nothing to lose and perhaps some-

⁶⁴C. R. Vol. VII—642-644.

⁶⁵C. R. Vol. IX—990.

thing to gain. The spirit of the Regulators found its beginning in those people who came in and settled down without receiving grants or paying rents, and who, when rents were demanded, resisted. Governor Martin wrote Lord Dartmouth in 1772 that in Granville's District "there was not wanting evidence of most extravagant licentiousness and criminal violence on the part of the wretched people."⁶⁶ Such wickedness, he said, would naturally terminate in bloodshed, and that this disorderly spirit could never be extinguished as long as Earl Granville held the land. "It is profitless to the proprietor," he continues, "and a nuisance to the colony, by affording an asylum to outcasts and fugitives of other provinces who set down on the land anywhere, communicating their vices and corruptions to the other inhabitants, whose barbarous ignorance makes them but too obnoxious to the baneful contagion." He believed the district was an evil growing daily more alarming. According to his opinion the only remedy lay in the better care of the proprietary, or its sale to the King.

Earl Granville was finally prevailed upon to show enough interest to appoint an agent. So, in 1773, he chose Governor Martin to act as his agent.⁶⁷ By this time the inhabitants of the district had become so restive that it appeared impossible to quiet them as long as the land remained in Earl Granville's hands. Under Granville's rule the inhabitants often resorted to force when they thought it necessary, but they were methodical in its use. They believed that "the doctrine of non-resistance against arbitrary power and oppression was absurd, slavish, and destructive of the good and happiness of mankind."⁶⁸

PURCHASE BY CROWN ADVOCATED

Shortly before the Revolution the provincial Assembly appointed a committee of five to inquire into the settlement of Granville's land, and to propose plans for quieting the inhabitants in possession of it.⁶⁹ But nothing came of this action. The assembly soon came to believe that the only way to put an end

⁶⁶C. R. Vol. IX—357-359.

⁶⁷C. R. Vol. IX—683.

⁶⁸C. R. Vol. IX p. XI.

⁶⁹Ibid 530.

to the troubles of the Granville District lay in its purchase by the Crown. In pursuance of this idea the Assembly petitioned the Crown, in 1773, to buy Granville's part of the province, "as Earl Granville's office has been closed for several years past to the great inconvenience and grievance of the inhabitants of his territory in this province."⁷⁰ As early, however, as 1767, Governor Tryon in writing to the Earl of Shelbourne, strongly advocated the purchase of the district by the Crown. In this course he saw a cure for most of the evils besetting the colony at that time. It would treble the value of quit rents coming to the Crown and would facilitate the passage of better laws for the collection of rents, he thought. In his opinion the inhabitants of the district, although they wanted the land very bad, dreaded the opening of a land office, "because of the many impositions and abuses they have suffered by former agents, and from the many disturbances and law suits that have arose from the irregularities in the office when it has been open." He believed that 60,000 pounds sterling, the amount asked for the district by Granville, would be a cheap price to pay for it. He characterized it as "certainly the most rising interest on the Continent of America." He said it contained a vast majority of the white inhabitants of the colony and embraced thirteen entire counties," the two western-most of which contain a tract of land more than ten times the contents of Rhode Island Colony, Orange County being nearly sixty miles square, and Rowan County about sixty miles wide and 150 miles from east to west, running to the Blue Ridge of Mountains."⁷¹

When Martin became governor, he believed, like Tryon, that the King should purchase the district, which was the cause of so much trouble. The rents are inadequate, he writes to the Earl of Hillsborough, to support the "provincial civil list with which it is chargeable." He thinks the district would soon grow, for the climate is healthful, the land is fertile, and the people will flock there when they know they can get good titles.⁷² The Earl of Hillsborough in replying, said: "The little attention shown by Earl Granville to his proprietary rights in North

⁷⁰C. R. Vol. XX—589.

⁷¹C. R. Vol. VII—513.

⁷²C. R. Vol. IX—357-359.

Carolina is certainly both a prejudice to himself and to the public, and your suggestion of the expediency and advantage that would arise to the Crown from a purchase of those rights entirely correspond with my own sentiments."⁷³ When the inhabitants learned that the district was likely to be sold, they knew the day of reckoning would come, when the arrears of quit rents would be insisted upon. They were very clamorous that it pass not into private hands.⁷⁴ But they were willing to come under the Crown, since they knew, in that event, the arrears would not be insisted upon. In writing to the home government again, Governor Martin says, "The Proprietary right of Earl Granville in the heart of this province, I learn from all hands, My Lord, to be a very principal cause of the discontents that have so long prevailed in this country * * * It seems here a universally acknowledged principal that this country will never enjoy perfect peace, until that proprietary, which erects a kind of interest in its bowels, is vested in the Crown."⁷⁵

DISTRICT CONFISCATED BY STATE.—ATTEMPTS AT REGAINING IT

Earl Granville was undoubtedly on the verge of selling out his district to the King when the Revolution came and swept away all his claims to his broad Carolina estates. The people now set up a different system of land tenure in which none of the troublesome quit rents existed. By an act of the General Assembly in 1782 Granville's immense estates were confiscated. His old papers and books were collected and preserved as valuable to the northern settlers.⁷⁶ But the Granville heirs did not propose to lose their broad lands in North Carolina without at least a struggle. In 1784, they presented their claims to the United States Minister at Paris and demanded a restitution of their lands. They denied the titles to the land of many of the inhabitants of the northern part of the state and, some years later, brought suit in the United States Circuit Court at Raleigh to regain the district. On losing here, they appealed to the United States Supreme Court, where they engaged Francis

⁷³C. R. Vol. IX—276.

⁷⁴Ibid 261-262.

⁷⁵Ibid 49.

⁷⁶State Reports Vol. XIX—230.

S. Key as their counsel. But Key died soon afterwards (in 1809) and the case was dropped for want of an appeal bond. Had the case ever come to a final decision it would likely have been decided against North Carolina, as Chief Justice Marshall had expressed the opinion that the Treaty of Paris prohibited a state from invalidating English titles.

According to Article V ⁷⁷ of the Treaty of Paris, as interpreted by the Supreme Court, ⁷⁸ North Carolina was under obligation to restore the land. For a time great uneasiness was felt throughout the state. It is impossible to say what might have happened had the Courts ordered North Carolina to restore the land. ⁷⁸ But luckily for the state, the night-mare of her colonial existence was not to harrass her in her statehood. The greatest hindrance to the colony of North Carolina was finally removed. ⁷⁹

⁷⁷"It is agreed that the Congress shall earnestly recommend it to the legislature of the respective states, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects and also of the estates, rights, and properties of persons resident in districts in the possession of His Majesty's armies, and who have not borne arms against the said United States. . . ."

⁷⁸Ware vs. Hylton 3 Dallas 199.

⁷⁹Moore's History of North Carolina Vol. I—456.